

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ROBERT W. HUBER, JR.,

Plaintiff,

v.

Case No. 16-CV-19

GLORIA ANDERSON, et al.,

Defendants.

MOTION TO AMEND SCHEDULING ORDER

Counsel for the defendants moves this Court to amend the scheduling order (Dkt. No. 21) because the last remaining defendant in the case has now been located. The grounds for this motion are as follows:

1. This Court issued a scheduling order on May 19, 2016 setting forth various dates and deadlines governing discovery, pretrial motions, and trial in this case. (Dkt. No. 21.)

2. Defendants Niomi Bock, Allan Kasprzak, Michael Walczak, Kathy Walter, and Elizabeth Hartman were located or served, and the Department of Justice appeared on their behalf. (Dkt. Nos. 10, 17, 31.)

3. The Department of Justice was unable to locate defendant Gloria Anderson, despite numerous attempts to do so. (Dkt. Nos. 34-35; Spitz Decl. ¶ 2.) The waiver of service sent to Anderson by the U.S. Marshals Service was not returned. (Dkt. No. 30.)

4. On August 15, 2016, counsel for the remaining defendants received a voicemail message from Gloria Anderson. This voicemail was the first contact the Department of Justice had with Anderson. (Spitz Decl., ¶ 3.)

5. Counsel for the defendants and Anderson were not able to discuss the terms of representation by phone until the afternoon of August 23, 2016. (Spitz Decl., ¶¶ 4-5.)

6. Having now located Anderson, the Department of Justice has agreed to represent her in this matter.

7. Discovery in this matter is currently set to close on September 15, 2016, with dispositive motions due on October 10, 2016 and trial set for January 30, 2017. (Dkt. No. 21 at 2-3.)

8. Fairness dictates both that the plaintiff have a fair opportunity to conduct discovery of Anderson now that she has been located, and that counsel for the defendants have a fair opportunity to prepare any defenses Anderson may have to the plaintiff's claims. (Spitz Decl., ¶¶ 7-9.)

9. It is in the interest of judicial economy that the Court review any dispositive motions concerning the entire case, or that the Court try the entirety of the case, for all defendants at the same time rather than holding separate proceedings on a separate schedule for Anderson.

10. Therefore, for good cause shown, counsel for the defendants respectfully requests that this Court amend the current scheduling order to provide a reasonable period of time for additional discovery as to Anderson only, and to set

new dates and deadlines for dispositive motions, the final pretrial conference, filing of pretrial motions in limine, filing of the final joint pretrial report, and trial.

Dated this 26th day of August, 2016.

Respectfully submitted,

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